



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

HD:hd  
Docket No: 05226-00  
17 January 2001

CDR [REDACTED] SNR  
[REDACTED]

Dear Comm [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

It is noted that the contested original fitness report for 1 October 1998 to 30 September 1999 is not in your record, and that the Navy Personnel Command (NPC) has filed the supplemental report for the same period without the transmittal letter.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 11 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by NPC dated 29 September and 21 November 2000, copies of which are attached. The Board also considered your letter dated 15 December 2000 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice warranting approval of your request for a special selection board for the Fiscal Year (FY) 01 Naval Reserve Line Captain Selection Board. While the Board found you did exercise due diligence to obtain the supplemental report, they noted you could have included, in your letter to the selection board, all the information reflected in the supplemental report but missing from the original. They did not accept your assertion that the selection board would have "rejected" the original report. In view of the above, your application for relief beyond that effected by NPC has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures



DEPARTMENT OF THE NAVY  
NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000

1610  
PERS-311  
29 September 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: PERS/BCNR Coordinator (PERS-00ZCB)

Subj: CD [REDACTED] USNR [REDACTED]

Ref: (a) BUPERSINST 1610.10 EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The member requests the removal of his original fitness report for the period 1 October 1998 to 30 September 1999 and replace it with a supplemental report for the same period and convene a special selection board.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record did not reveal the report in question to be on file. However, a review of the Fitrep/Eval Module revealed the report in question had been received and rejected by PERS-311. The report in question was a Concurrent Report and had been rejected due to the regular reporting senior not signing Block-47. No corrected report had been received. Command [REDACTED] added a revised report as a supplement to the original report. Upon receipt of the revised report dated 6 May 2000, we treated it as though it was the original report and filed it in the member's record. We feel it is appropriate to leave the fitness report in Command [REDACTED] record without filing the supplemental transmittal letter.

3. We recommend the member's record remain unchanged.

[REDACTED]  
Head, Performance  
Evaluation Branch



DEPARTMENT OF THE NAVY  
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MILLINGTON TN 38055-0000

5420

PERS-86  
NOV 21 2000

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF  
COMMANDER [REDACTED], USNR, [REDACTED]

Encl: (1) BCNR File 05226-00 w/Service Record

1. We are returning enclosure (1) with the following observations and recommendation that Commander [REDACTED] petition be denied.

2. Based on our review of the material provided, we find the following:

a. We are in agreement with the PERS-311 advisory opinion that the member's record should remain unchanged.

b. Commander [REDACTED] record was properly considered by the FY-01 Naval Reserve Captain Line Selection Board where he failed to select. Commander [REDACTED] claims the selection board lacked material information when his record was reviewed. Specifically, that a fitness report covering the period from 1 October 1998 through 30 September 1999 by his regular reporting senior was missing and not available to the board.

c. A review of his record revealed that it was substantially complete including his letter to the board President dated 3 January 2000. Commander [REDACTED] letter did contain a fitness report covering the period from 1 October 1998 to 30 September 1999. However, the fitness report by his regular reporting senior for the same time period was not included.

d. The fitness report in question was signed almost 4 months after the board had convened on 10 January 2000. Commander [REDACTED] was clearly aware of the board's convening date as evidenced by the receipt of his letter to the board President. He had 4 months before the board met to get the fitness report signed. In his BCNR request Commander [REDACTED] states that "It was my diligence alone that resulted in a report signed

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Subj: REQUEST FOR COMMENTS AND RECOMMENDATION IN CASE OF  
COMMANDER [REDACTED]

06 May, 4 months after the board had convened." It is unfortunate that it took 8 months to get the report signed. However, his inability to get his reporting senior to sign it before the board met does not constitute material error on the part of the Navy or the Bureau of Naval Personnel. Each Naval officer is responsible for maintaining his or her own record.

e. Commander [REDACTED] also had the opportunity to address the board concerning the unsigned report and even include it in his letter. He did not choose to do so. Therefore we find his claim that the board lacked material information is without merit. Commander [REDACTED] record was substantially complete as it appeared before the board, including his letter to the board President along with a fitness report for period of 1 October 1998 through 30 September 1999.

3. Commander [REDACTED] can be justifiably proud of his record and years of contributions; the negative response to his petition does not detract from his honorable service to this nation and the United States Navy.

[REDACTED]

Director, Reserve Officer  
Promotions, Appointments, and  
Enlisted Advancement Division